

BOARD OF APPEALS
Minutes of Meeting
February 16th, 2021
4:30 pm

Attendance: Members Dave Lundgren, Chairman; Mike Aeling, Billy Ray; Eddie Williams; Zoning Inspector Shane Howard, Assistant Law Director William Morris, Candice Martin, Engineering Clerk.

Meeting held by telephone conference due to COVID-19 pandemic: The meeting was called to order by Chairman Lundgren at 4:33 pm. Due to the COVID-19 pandemic, BZA members participated by Zoom conference. Dave Lundgren, Mike Aeling, Billy Ray, and Eddie Williams present.

Virtual Kiosk:

No one attended.

1. Minutes from the January 19th, 2021 meeting:

Williams makes the motion to approve the minutes with Aeling seconding. All unanimously approve by saying Aye. Motion passes. Minutes approved.

Chairman Lundgren reads the Board of Zoning Appeals procedures including appellant recourse.

2. Jim Neely/Filnor – 691 S. Sawburg Ave. -- Appeal #21-005

Assembly of Products/Warehousing in a B-4 zone Use Variance Sec.1122 Land Use Table

Shane Howard is sworn in: Zoning Inspector, 504 E. Main St. Alliance, OH 44601. This appeal is for assembly and warehousing in a B-4 Zone. It is conditional in a B-1 and permissible in an I-1 and an I-2. For this reason, it requires a use variance. Assembly of electronic parts will take place there. No manufacturing.

Jim Neely is sworn in. President of Filnor. 227 N. Freedom Alliance, OH 44601. Mr. Neely explains that they plan to assemble the products: disconnect switches. They will bring the items to the facility and they plan to use only electric and air tools, a tow motor, and they will be packing and shipping. There will be around 10 people working there.

Ray asks how many units per week or month will be assembled. He also asks what percentage of the building will be used as warehousing.

Mr. Neely responds 50%. Units will be between 10 -25 units. Trucks will be shipping twice a week. Building is not being used currently.

Lundgren asks about the noise level.

Mr. Neely responds that it shouldn't be much. There will be electric tools to put things together. Handheld devices. Riveting.

Lundgren asks about parking.

Mr. Neely says there is sufficient parking.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one else comes forward.
Declares this public portion of the meeting now closed.

Board Members Begin Discussion

Ray thinks it is a great use of the property. There is warehousing down there, a cement plant, and a gravel yard.

Williams asks if this is generating more jobs or moving employees from one facility to another.

Mr. Neely responds by saying there will be probably two current employees going there and they plan to hire 8 new employees.

Aeling says that the Zoning book lists what is allowed in B-4 such as repair shops, skilled trades, and repair of electronics. He doesn't feel it is out of line with the amount of noise they are going to create.

Aeling makes the motion to grant the use variance subject to Filnor purchasing of the property. Ray seconds. Roll call vote. All are in agreement. Motion passes.

3. Jim Neely/Filnor – 40 S. Linden Ave. – Appeal #21-006

Assembly of Products/Warehousing in a B-1 zone Use Variance Sec.1122 Land Use Table

Howard explains that 40 S. Linden is the location of the original Alliance Review Building. It is in a B1 Zone and the assembly of products and warehousing is not permitted in that Zone so it will need a variance.

Mr. Neely explains that they were looking for more space and one option was the Alliance Review Bldg. It is very close to them but also a different Zoning. They put a bid on the Sawburg property first and just in case it didn't go through they wanted to have the Review Bldg. as a backup option. Seeing how things go they may be able to use both and if so it would be mainly used as warehousing at this time. The light manufacturing would still go to the Sawburg property.

Lundgren mentions that any change to the use would be subject to Filnor's purchase of the property.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one else comes forward.
Declares this public portion of the meeting now closed.

Board Members Begin Discussion

Lundgren states that this would be a much lighter use than what the Review used it for. It was a loud process with the paper presses when the Review was there.

Williams asks if we grant the variance does it only pertain to the property as long as Filnor retains ownership or would the use variance transfer if Filnor sold the property.

Howard replies that the use variance stays with the building. If it is granted, another business may come in that is louder because it stays with the property itself. That is why he wanted to make sure it was contingent on the purchase of the property.

Lundgren says that it may be sold someday but it will be limited to the use we approve. It must be similar and cannot be heavier than what we are granting. Also, we have our share of unoccupied buildings and he feels it would be nice to have it occupied.

Williams agrees. His concern is that it is right in the middle of a B1 area and if Filnor buys it and doesn't need it and they sell it in a couple of years another manufacturing process could move in.

Lundgren says that the use variance is for light warehousing and assembly. They are still limited to what it is approved for. If it was sold they cannot move to a heavier use. It would have to be appealed for a use other than that.

Howard replies correct.

Aeling grants motion based on Filnor's purchase of the building. Ray seconds. Roll call vote. All in favor. Use variance approved.

4. Mitch & Lisa Trummer—33 Chestnut St—Appeal #21-007

- A. Multiple-Family Dwelling Density Sec.1162.09(a)
- B. On Street parking only Sec.1162.09

Howard explains that the appellant is looking to turn this property into a 3 unit multi-family. 2- One bedroom units and 1- two bedroom unit. The appellant needs a variance for density. They are short for the size of the lot. The Zoning code states 1 acre for 12 units so he is short .165 acres for the additional dwellings. There is also no off street parking only on street parking so a variance will be needed for that as well.

Lungren asks if it is empty and what purpose it served before this.
Howard replies yes it is currently empty and he is unsure of its prior use.

Ray says in the information provided he sees angled parking on backside/West side of the building. He asks if it is off street or an alley

Howard states that it is not an alley. The parking belongs to the property to the West of it. It is the backside of Al and Daves.

Mitch Trummer is sworn in. 13361 Bayton St. NE Alliance, OH. He is a licensed contractor. He has done a similar project to another building in Alliance which was a three unit office building. He explains that with technology being what it is today, office space is very difficult to rent out. With the other project he has done, he already has the first unit rented and is working on the 2nd and 3rd units. He spoke with Howard multiple times and understands he will need 6 parking spots. He has taken pictures of possible on street parking. No one uses Chestnut St. for parking because there is nothing else there. This property had been for sale for over 900 days. Eventually it was put up for auction which is when he acquired the property. Previously, there was a T-shirt printing company, office space, and a motivational speaker in the units.

Lundgren asks how much work is involved in converting an office to an apartment and also asks what must be done to each unit.

Mr. Trummer explains that it is already 3 units and so there are already 3 gas meters, 3 furnaces, and 3 electric meters. There are currently 4 bathrooms and 2 kitchen areas. These units are already separate office spaces so many of the same walls will remain. They will need to add full baths instead of half baths.

Aeling remembers this property coming up before and it always came down to the same parking issue.

Mr. Trummer explains that both sides of the street on Chestnut he feels are available because it is not heavily traveled. It is not a through street because it dead ends into Cherry. It is a wide street too. He also feels it requires fewer parking spaces as an apartment than as office space.

Lisa Trummer is sworn in. 1965 Glamorgan St. Tanner Real-Estate Bldg. Mrs. Trummer states that a lot of money is put into these older buildings, but once rented they feel they will get their money back in time. It is an investment and will also keep the buildings occupied. She explains that they could not have retail or commercial in there because there is definitely not enough parking. She has many listings for lease and for sale for office space that no one is calling about or wanting to view at all. Warehousing, assembly, and car businesses are in demand but there is no activity on office space. They are sitting empty. She feels it is a nice looking building and this would be a great use for it. There is no one on Chestnut at all. There is a car detailing business behind the pizza shop. The old business 1st Reality is on Cherry and Dennis Clunk has his own parking lot. The whole street is vacated and is not used for parking.

Mr. Trummer also states that he spoke with Dennis Clunk and he believes that the car detailing shop is not allowed to have any vehicles outside so he is not using that street either. Mr. Trummer said he shows up to 10 spots of on street parking and he only needs 6.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one else comes forward. Declares this public portion of the meeting now closed.

Board Members Begin Discussion

Ray says there is no off street parking and that is an issue. He is also concerned that people may park in other business parking lots in inclement weather.

Williams remembers this property coming up a year ago and someone was interested in purchasing or leasing it and parking was a concern then too. He doesn't remember the outcome but obviously they went a different route. There has been interest in this building before and parking was an issue. That issue is not going to go away. If this use requires less parking he feels that it is a good use for the building.

Aeling says his only issue with it is parking. He feels it is at least a use for the building.

Lundgren says the building was built years ago without off street parking and parking has been an issue for years. If this property was on the market for 3 years then there is no business use for it. This may be the only option for this property.

Aeling adds that with a one bedroom unit they are probably only going to have 1 car. He doesn't think it will be a 5 person family with 3 cars. They will have to alternate where they park in the winter so that the streets can be plowed.

Aeling makes motion to grant the variances for density and for on street parking. Williams seconds. Roll call vote. Aeling, Lundgren, Williams – yes. Ray – no. Motion passes 3:1.

5. J & K Subway Inc. – 766 S. Union Ave. – Appeal #21-008

A. Rear Setback Sec.1124 Schedule of Regulations in a B-4 Zone

B. Parking Setback Sec.1150.06(o)(iii)

Howard explains that the building is the previous Get-Go. They need a rear setback variance to add on walk-in coolers to the rear of the property and will make them 0.38' from the lot line. The other variance is parking setbacks for the vehicles. Regulation requires 10 ft. from the right of way. He is asking for 5 ft. on the West side which is the Union Ave. side and 7 ft. on the South side which is on Grant St.

Lundgren asks if the Subway will be moved from its current location on Union to this location down the street. Howard replies yes.

Joe Maiorana is sworn in. 5441 Global Gateway Dr. N. Canton, OH. He is interested in purchasing the property and would need the variances approved to be able to do so. He would like to move from one location to the other location. It is a much newer building and with more parking. It is a very old building they are in currently and would like to move down the street.

Lundgren asks if the purchase of the property is contingent on the approval of the variances. Mr. Maiorana answers yes.

Ray asks if the fence will stay.

Mr. Maiorana replies yes. It is attached to the building on the South Side. For some reason someone previously removed the fence on the North side. The exterior items will be within the fenced area. The property was surveyed and showed 9.8 or so ft. back there. They are proposing a 6 ft. concrete slab with the cooler, freezer, and storage area. It will be all internal and accessed through one entrance inside. It will fit between the telephone pole and the building. The telephone pole is 8 ft. away.

Ray asks if the gas main or the meter will have to be moved. Mr. Maiorana says it is 31 ft. from the end of the building to the gas meter.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one else comes forward. Declares this public portion of the meeting now closed.

Board Members Begin Discussion

Lundgren says that there are 2 variances contingent on the applicant purchasing the property. Howard replies yes.

Lundgren adds that the fence will stay and everything is confined to the fence area.

Williams asks which way does the gas main come in. If it comes in off of Grant is there any problem putting a slab down and putting the gas main on top.

Howard replies he is unsure. Mr. Maiorana replies that he has two different surveys on it.

Williams asks if that is a concern. Howard says no. Gas lines are under parking lots. Where the shut off is to the meter is the owner's property. No different than water service.

Mr. Maiorana says that he does see a line from the gas with a "g " on a drawing that runs straight out into the alley.

Aeling notices it too on the drawing and says it runs parallel to the rear of the building.

Williams also notices it on the survey.

Williams also asks if there are any changes to the roadway entrances to the property to what exists now. Howard answers that the Union road project eliminated two of the drives. Curtis eliminated two drives because they were too close to the intersection. With that being said there are two spots he is going to replace the curbing across so they will not be close to it. The other spot to the North of the building on Union the apron will need shifted so that when turning, one doesn't hit one of the cars parked in the stalls.

Williams feels this is a good use and thinks it will be nice to see something go in there. Lundgren agrees.

Aeling makes a motion to approve the two variances for the rear setback and the parking setback contingent on the applicant completing the purchase of the property. Williams seconds. Roll call vote. All are in agreement. Motion passes.

6. Advance Sign Group/Canton Sign – 2660 W. State St – Appeal #21-009
Additional wall signs Sec.1134.06

Howard explains that this is the future site of Skechers Outlet. 1 primary wall sign is allowed and if a business has a secondary entrance or is located on a corner lot they can have a second wall sign 40% the size of the primary sign. They have been granted those two signs however they would like to add "Outlet" underneath Skechers which will make them go over the 40%. They will need a variance for the secondary wall sign size. They will also need variances for two additional wall signs that they would like to add on the remaining two walls. This would give them wall signs on all four sides.

Jerry Yoder is sworn in. Canton Sign. Sign installers. 5th St. Canton, OH.

Andrea Scheiber is sworn in. Advance Sign Corp. Sign manufacturing company for Skechers. 5150 Wallcut Ct. Columbus, OH. With this location, there are four visible locations facing parking or other businesses. Because of the uniqueness of the location, they feel they need the extra signage to be visible.

Ray asks if they plan on putting any post signs out on State St. and ask if there is any access to that?

Ms. Scheiber is unsure.

Howard stated that there is a remote pole sign for those businesses. They are refacing it on State St.

Mr. Yoder said yes. There is a tenant panel out there.

Ms. Scheiber said yes that was part of their original submission.

Mr. Yoder said they are pretty exposed all around the building and there are a couple of areas that they won't be seen because of the parking in the area. It would help them to be visible on the other two sides.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one else comes forward.
Declares this public portion of the meeting now closed.

Board Members Begin Discussion

Lundgren states that this is a unique area and the front and back of the building are difficult to distinguish.

Howard says for a primary wall they are allowed to have 128 sq. ft. They are requesting 71 sq. ft. The other one could be 122 sq. ft. they are requesting 71 sq. ft. as well.

Williams asks if all four sides will have signs because the drawings only show 3 signs. They don't show an East elevation drawing.

Howard answers that what Williams is looking at are the ones that are already permitted. The one on the East elevation is the primary wall sign. The secondary sign which says "Skechers" is permitted on the West side but they are requesting a variance on it because they want to add "Outlet" which will put them over the 40%.

Williams adds that there will be additional variances for signs 1 and 3.

Williams asks what is the overall total square footage allowed based on the building versus total square footage permitted and the additional signs.

Howard says they are permitted at 154 sq. ft. They have 131.92 sq. ft. The secondary would be 40% of the 154 sq. ft. and they have 63.8 sq. ft. They will need to have a little bit more for the addition of "Outlet". The Auditor's website numbers don't match what was measured out but they are still within their size.

Ray makes a motion to approve both variances: One for the secondary sign excess and for the two additional signs. Aeling seconds. Roll call vote. All are in agreement. Motion passes.

7. Other Business

Howard mentions there will be at least one use variance on for next month. He is also changing the cutoff date for Zoning to match Planning Commission's date and now all submission will be required by the 20th of the Month before. This will hopefully accommodate the slower mail times. Zoning books and the Zoning map are completed and will be ready for printing the beginning of March.

The meeting adjourned at 5:55 pm.

Respectfully Submitted by:
Candice Martin
Engineering Clerk